

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, March 8, 2010 at 7:00 p.m.
ATTENDANCE	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Branigan and Belt moved and seconded the approval of the consent agenda. Unanimous.
PUBLIC HEARINGS Resolution 10-79	Held Public Hearing, authorizing disposal of City owned property formerly known as 907½ North 8 th Street, described as the southeast part of Lot 13, Ross Place. Walsh and Head moved and seconded approval. Belt noted the purchase price of \$1512.50 was the recommendation made by staff. Unanimous.
Resolution 10-80	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Public Works Operation Facility. Belt and Branigan moved and seconded approval. 4 Ayes; 1 Nay (Schultz).
Ordinance 6052	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between 2 nd Avenue and 5 th Avenue, from South 12 th Street to South 14 th Street/Indian Creek from I-1/Light Industrial to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.20 and 15.05. Belt and Branigan moved and seconded approval. Unanimous. Motion by Schultz, second by Walsh, waiving 3 rd consideration. Unanimous.
Ordinance 6053	Held Public Hearing, amending Chapter 15.31 "Communication Towers" by amending Section 15.31.010 "Statement of Intent", Section 15.31.020 "Applicability" and Section 15.31.050 "Standards and conditions for approval". Branigan and Belt moved and seconded approval. Unanimous. Motion by Branigan, second by Belt, waiving 3 rd consideration. Unanimous.
Ordinance 6054	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between 5 th & 6 th Avenues, from South 13 th Street to South 14 th Street/Indian Creek, from I-1/Light Industrial to R-3/Low Density Multi-Family Residential as set forth and defined in Chapters 15.20 and 15.10. Belt and Branigan moved and seconded approval. Heard from Bruce Kelly, owner of 1324 6 th Avenue speaking against the rezoning. Walsh indicated if rezoned the use would become nonconforming. Wade suggested an amendment to the proposed rezoning. Belt and Schultz moved and seconded, amending the Ordinance by removing 1324 6 th Avenue and the City owned lot from the zoning change. Unanimous. Vote on original motion as amended. Unanimous. Belt and Schultz moved and seconded, waiving 3 rd consideration. Unanimous.
Ordinance 6055	Held Public Hearing, amending Chapter 15.05 "A-2/Parks, Estates and Agricultural District" by amending Sections 15.05.020 "Principal uses" and 15.05.030 "Conditional uses". Belt and Branigan moved and seconded approval. Unanimous. Branigan and Head moved and seconded, waiving 3 rd consideration. Unanimous.
Ordinance 6056	Held Public Hearing, repealing Ordinance No. 5478 which established the Valley View Urban Revitalization Area within the City of Council Bluffs. Belt and Head moved and seconded approval. Unanimous. Branigan and Head moved and seconded, waiving 3 rd consideration. Unanimous.
Ordinance 6057	Held Public Hearing, repealing Ordinance No. 5684 which established the 23 rd Avenue Urban Revitalization Area within the City of Council Bluffs. Belt and Walsh moved and seconded approval. Unanimous. Belt and Schultz moved and seconded, waiving 3 rd consideration. Unanimous.

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ORDINANCES ON FIRST READING Ordinance 6058	Walsh and Head moved and seconded approval, amending Title 13 entitled "Building and Construction" by enacting a new Chapter 13.20 entitled "Energy Conservation Code". Unanimous.
Ordinance 6059	Branigan and Head moved and seconded approval, amending Chapter 13.12 entitled "Plumbing Code" of Title 13 entitled "Building and Construction" by adding Section 13.12.024 entitled "Administrative Provisions", by adding Section 3.12.026 entitled "Fuel Gas Piping", by adding Section 13.12.028 entitled "Code Amendments", and by deleting Sections 13.12.030 to 13.12.110. Walsh noted the proposed Section regarding "Fuel Gas Piping" should be corrected as Section 13.12.026 rather than 3.12.026 as printed. Unanimous.
Ordinance 6060	Walsh and Schultz moved and seconded approval, amending Title 13 entitled "Building and Construction" by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 entitled "Electrical Code". Unanimous.
ORDINANCE ON SECOND READING Ordinance 6051	Belt and Walsh moved and seconded approval, amending Chapter 2.08 "Schedule of Fees" by amending Section 2.08.040. Walsh noted receiving feedback on City fees and mentioned residents have until March 15 th and September 15 th to pay their bills and encouraged citizens to pay on time. Branigan referenced when paying utility bills or charge card bills late a penalty is assessed. Unanimous. Walsh and Branigan moved and seconded, waiving 3 rd consideration. Unanimous.
RESOLUTIONS Resolution 10-62	Belt and Branigan moved and seconded approval, repealing the Valley View Urban Revitalization Plan and Area. Unanimous.
Resolution 10-63	Branigan and Belt moved and seconded approval, repealing the 23 rd Avenue Urban Revitalization Plan and Area. Unanimous.
Resolution 10-81	Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to enter into an agreement and award bid to Aksarben Roofing for the Union Pacific Railroad Museum Roof Replacement Project. Unanimous.
Resolution 10-82	Branigan and Belt moved and seconded approval, authorizing the Public Works Director to apply for assistance from the Iowa Office of Energy Independence in the form of an Energy Efficiency & Convention Block Grant. Unanimous.
Resolution 10-83	Branigan and Head moved and seconded approval, adopting a 2010 – 2011 through 2013 – 2014 Capital Improvement Plan for the Mid-America Center. Unanimous.
Resolution 10-84	Belt and Walsh moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Metro Wine, Spirits & Tobacco, Inc., 3418 West Broadway, for a violation of the State's tobacco laws. Unanimous.
Resolution 10-85	Belt and Walsh moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Rite Way Oil and Gas Co., Inc., d/b/a Speedee Mart, #1512, 3624 9 th Avenue, for a violation of the State's tobacco laws. Unanimous.
Resolution 10-86	Belt and Walsh moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Whitehead Oil Company, d/b/a U-Stop #20, 701 32 nd Avenue, for a violation of the State's tobacco laws. Unanimous.
Resolution 10-87	Belt and Walsh moved and seconded approval, accepting the completion of the Council Bluffs Public Library Teen Central Project and directing the Finance Director to release the retainage of \$10,564.42 in 30 days. Unanimous.

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RECEIVE & FILE ITEMS

Walsh and Belt moved and seconded approval of Receive and File Items regarding Items 8A – 8D. 8A. State Auditor's Annual Report; 8B. Four (4) Notices of Claim; 8C. One (1) Notice of Right of Redemption; 8D. One (1) Offer to Buy – 401 Park Avenue. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Belt moved and seconded approval of Beer/Wine/Liquor & Outdoor Renewal Permits regarding Items 9A (1-11). 1. Bucky's Express #16, 7 North 16th Street; 2. Casey's #2284, 1030 Veterans Memorial Highway; 3. Famous Dave's, 50 Arena Way; 5. Lansky's, 1311 North Broadway; 6. Razzle Dazzle, 3317 West Broadway; 7. Ruby Tuesday, 3150 24th Avenue; 8. Speedee Mart #1512, 3624 9th Avenue; 9. T's Tavern, 2400 9th Avenue; 10. Tish's Restaurant, 1207 South 35th Street; 11. Venue 162, 162 West Broadway minus the approval of 4. Glory Days, 106 West Broadway. Unanimous.

Heard from Jennifer Giles, 1516 South 8th Street, #2.

Heard from the following individuals requesting a stop sign at the corner of 28th Street and Avenue A, Richard Posten and Judy Dutson, 2748 Avenue A. Mayor Hanafan indicated a study was done, procedures were followed and a stop sign was deemed not necessary at that specific intersection.

Mayor Hanafan commented on several events held at the Mid-America Center this past weekend, we should be proud of the facility. Bass Pro was also busy and many restaurants in the area had a 20 – 45 minute wait; development in the area has made a difference for Council Bluffs.

Walsh referenced correspondence received regarding multiple locations around the City needing repair or cleaned up. Walsh added although it will take time to recover from the snowfall, the City will get cleaned up.

ADJOURNMENT

Belt and Branigan moved and seconded adjournment at 7:33 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk